

REMARKS

In response to the Office Action mailed on September 17, 2003, Applicants respectfully request reconsideration. Claims 1-41 are now pending in this Application. Claims 1, 14, 27, 29, 31 and 33 are independent claims and the remaining claims are dependent claims. Claims 38-41 have been added to better claim the invention. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

At paragraph 2 of the Office Action, Claims 1- 37 were rejected under 35 U.S.C. §103 as being obvious over Cohen, et al., U.S. Publication No. US2002/016400 A1 published November 2002, in view of Saylor, et al., U.S. Patent No. 6,501,832 B1 issued December 31, 2002.

The rejection to Claim 1 states in part:

“Cohen teaches ... receiving a first set of information over a network based on a request for the first set of information [Abstract; 0011-0012];

accessing a marked document in response to receiving the first set of information [0035]; and generating a second set of information suitable for audio output based on the first set of information and the tagged document [Abstract; 0011-0012].

Cohen fails to explicitly teach accessing a ‘tagged’ document. Saylor teaches accessing a tagged document (Col. 18, lines 45-65). ... [O]ne of ordinary skill in the art would have been motivated to access a tagged document in order to facilitate [the] user in obtaining the specified document.”

Applicants respectfully disagree because neither Cohen, et al. nor Saylor, et al. provide a system that generates web pages for audio browsing using a retrieved content page and a separate instruction page. Cohen, et al. discloses a system for accessing specially configured web pages through a telephone network. Saylor et al. discloses an indexing system for audio files. Neither

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Cohen, et al. nor Saylor, et al. disclose the system of the presently claimed invention. Accordingly, Applicants respectfully urge that the present invention is not obvious over Cohen, et al. in view of Saylor, et al. Further, even if it were possible to combine Cohen, et al. and Saylor, et al. to form the present invention, there is no motivation to combine these references to create the present invention. Therefore, the claims should be found to be allowable.

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This can be seen more particularly in exemplary Claim 1 which comprises:

“In a server, a method for providing information suitable for audio output, the method comprising:
receiving a first set of information over a network based on a request for the first set of information;
accessing a tagged document in response to receiving the first set of information; and
generating a second set of information suitable for audio output based on the first set of information and the tagged document.”

The present application discloses a system for accessing and navigating a network using audio signals. The network access is capable of receiving requests for information, specifically, voice requests for information (p. 14, line 26-p. 15, line 2). The system sends the request to an application server that retrieves a web page in response to the request (p. 23, lines 24-27). The system then applies a tagged page, such as an XML page, to the retrieved web page to produce an audio output based on the retrieved web page (p. 22, lines 22-23; p. 23, lines 16-19). In some embodiments of the invention, the XML page as applied to the retrieved web page acts as a filter enabling audio output to pass, making the audio output available to provide in response to the request for information (p. 27, line 12 - p. 28, line 15).

Cohen, et al. discloses a voice-activated system for accessing voice pages through a telephone (par. 0021). The voice-activated system includes a grammar for establishing communication and for accomplishing communication

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(pars. 0025-0026, par. 0041, Tables 1 and 2). The voice-activated system communicates with conventional web pages with great difficulty and generally requires pages that are written in a Cohen, et al. compatible format in order to accomplish the audio interaction (par. 0032). Cohen, et al. does not disclose how the pages in the compatible format are made. In particular, Cohen, et al. does not disclose generating audio content from retrieved web pages by applying a tagged page.

Saylor, et al. discloses an indexing system for voice pages to be provided through a voice network. The indexing system enables access to voice content in a database through the use of index values referred to as VCodes (Col. 13, lines 44-49). The system enables a user to use voice and key-entered VCodes to access indexed voice pages (Col. 31, line 19 - Col. 32, line 35). Saylor, et al. does not disclose generating audio content by applying a tagged page to a retrieved web page. The indexed voice pages in Saylor, et al. are already voice content.

Neither Cohen, et al. nor Saylor et al. disclose, teach or suggest the claimed features of "*accessing a tagged document in response to receiving the first set of information; and generating a second set of information suitable for audio output based on the first set of information and the tagged document.*" Accordingly, Applicants respectfully urge that the present invention as set out in Claim 1 is not obvious over Cohen, et al. in view of Saylor, et al. Therefore, the claims should be found to be allowable.

Further, Applicants respectfully urge that there is no motivation to combine the telephonic web access system of Cohen, et al. with the index system of Saylor, et al. in order to produce the page-filtering system presently claimed. The Federal Circuit has stated that "*[O]bviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent*

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some teaching[,] suggestion or incentive supporting the combination” (In re Geiger, 815, F.2d 686, 688, 2 U.S.P.Q.2d 1276, 1278 (Fed. Cir. 1987)) and that “[it] is impermissible ... simply to engage in a hindsight reconstruction of the claimed invention, using the applicant’s structure as a template and selecting elements from references to fill the gaps ... The references themselves must provide some teaching whereby the applicant’s combination would have been obvious.” (In re Gorman, 18 U.S.P.Q.2d 1885, 1888 (Fed. Cir. 1991)). Nowhere does Cohen, et al. suggest a system for applying tagged pages to web pages to generate audio content. The content stored in the database in Saylor, et al. is already in voice format. Accordingly, Applicants respectfully suggest that there is no motivation to combine the cited references to form the presently claimed invention. For this further reason, the presently claimed invention as set out in Claim 1 should be found to be allowable.

The arguments set out above with regard to Claim 1 apply similarly to independent Claims 14, 27, 29, 31 and 33. Accordingly, Applicants respectfully urge that these claims be found allowable for the same reasons as Claim 1.

The remaining claims are dependent claims including new claims 38-41. Support for the new claims can be found in the specification at p. 18 and pp. 20-23.

All dependent claims being dependent on independent claims, which are believed to be allowable, are accordingly also believed to be allowable.

All objections and rejections having been met, it is believed that the application is in condition for allowance. Favorable action is respectfully solicited.

Applicants reserve the right to swear in back of the references.

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A check for the fee for additional claims is attached to this paper. The Commissioner of Patents is hereby authorized to charge any deficiency or to deposit any excess associated with this paper to the account of the undersigned, Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,

Christine M. Kuta

Christine M. Kuta, Esq.
Attorney for Applicant(s)
Registration No.: 38,001
CHAPIN & HUANG, L.L.C.
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 366-9600
Facsimile: (508) 616-9805
Customer No.: 022468

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